

Judge Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
ex rel., Girish Parikh,

Plaintiff,

v.

PREMERA BLUE CROSS,
a Washington non-profit Corporation,

Defendant.

NO. C01-0476

NOTICE OF FILING

Comes Now the United States of America, by and through its undersigned attorneys, and respectfully submits the instant Notice of Filing in response to the Motion and Memorandum of Premera Blue Cross ("Premera") in Support of Partial Dismissal Pursuant to Rule 12(b)(6) filed on May 18, 2006 (Document 59-1).¹

In its Motion, Premera requests that the Court partially dismiss the complaint on the grounds that Premera enjoys absolute statutory immunity from any claims for damages arising from its Medicare-related claims auditing, processing and payment activities. Attached is a brief filed by the United States as *amicus curiae* in *U.S. ex rel. Edyth Sikkenga v. Regence Bluecross Blueshield of Utah, et al.*, Case No. 05-4088 (10TH Cir.) which addresses many of the same issues raised by Premera in its motion. The Court's attention is therefore

¹ As Premera correctly points out, while the United States is not a party to the instant action, having declined to intervene in August of last year, it is, nonetheless, the real party in interest. See Motion and Memorandum in Support of Partial Dismissal, at 2. Accordingly, the United States respectfully submits the instant Notice of Filing pursuant to 28 U.S.C. § 517.

1 respectfully referred to that brief, a copy of which is appended hereto, which set forth the
2 United States' position on such issues.

3 DATED this 5th day of June, 2006.

4 Respectfully submitted,

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CERTIFICATE OF MAILING

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the Western District of Washington and is a person of such age and discretion as to be competent to serve papers. That on June 5, 2006, she served copies of the foregoing Notice of Filing and the attached 10th Circuit Brief on the person(s) hereinafter, which causes automatic service, on all parties in the case, of the forgoing documents by electronic mail via the Court's ECF system, and also by depositing said copies in the United States mail, postage prepaid, addressed as follows:

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